#439

BILL NO. Z-90-07-08

ZONING MAP ORDINANCE NO. Z-Look

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-38.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a P.O.D. (Professional Office District) under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Commencing at the Northeast corner of the Southwest Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana; thence west along the north line of the SW 1/4 of Sec. 14-31-12, a distance of 70.0 feet to the true point of beginning; thence south with a deflection angle to the left of 90 degr. 13 min. 40 sec. and parallel to the east line of the SW 1/4 of Sec. 14-31-12, a distance of 312.64 feet; thence west with a deflection angle to the right of 90 degr. 00 min. a distance of 378.0 feet; thence north with a deflection angle to the right of 90 degr. 00 min. and parallel to the east line of the SW 1/4 of Sec. 14-31-12, a distance of 314.14 feet to a point on the north line of the SW 1/4 of Sec. 14-31-12; thence East with a deflection angle to the right of 90 degr. 13 min. 40 sec. along said north line, a distance of 378.0 feet to the point of beginning, containing 2.72 acres, subject to the right-of-way of Ludwig Road over 37.5 feet thereof, and subject to easements,

and the symbols of the City of Fort Wayne Zoning Map No. L-38, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Long, and duly adopted, read the second time by title and referred to the Committee on Plan Commission (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____ M., E.S.T.

DATED: 7-10-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES		7		2
BRADBURY		✓		
BURNS		✓		
EDMONDS		✓		
GiaQUINTA		✓		
HENRY		✓		
LONG				✓
REDD		✓		
SCHMIDT				✓
TALARICO		✓		

DATED: 10-23-90

Sandra E. Kennedy for
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____

ATTEST: (SEAL)

_____
SANDRA E. KENNEDY, CITY CLERK

_____
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19___, at the hour of _____ o'clock _____ .M., E.S.T.

_____
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

_____
PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS

L.B. HOUSE CO., HUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

№ 7322

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 6-14 19 90

RECEIVED FROM Summit Real Estate $ 300.00

THE SUM OF Three Hundred + 00/100 DOLLARS

ON ACCOUNT OF Primary Zoning Petition for

#1055 Rezoning R-1 to POD

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Summit Land Investment Inc.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R1 District to a/an POD District the property described as follows:

See attached legal and site plan

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: Ludwig at Stonefield Drive

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Leroy E. Lepley (Name)	1120 Valley-O-Pine, Fort Wayne, In 46845 (Address)	LeRoy E. Lepley (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinan being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

Douglas A. McComb (Name)	P.O.Box 503, Huntertown,In 46748 (Address & Zip Code)	219-637-5551 (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearin approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

See attached legal and site plan

Owners of Property

(Name)	(Address)	(Signature)
Summit Land Investment, Inc.	1120 Valley-O-Pine Fort Wayne, IN 46845	LeRoy E. Legley

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 10, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-90-07-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 16, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held September 24, 1990.

Certified and signed this
26th day of September 1990.

Robert Hutner
Secretary

FACT SHEET

Z-90-07-08
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From R-1 to P.O.D.

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
Southeast corner of Ludwig Road and Stonefield Drive.

Reason for Project
Professional office development.

Discussion (Including relationship to other Council actions)

16 July 1990 - Public Hearing

See Attached Minutes of Meeting

24 September 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, five (5) voted for the motion, one (1) abstained and one (1) did not vote.

Motion Carried

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Summit Land Investment Inc **City Department** **Other**
Opponents	**Groups or Individuals** Nancy Kloha, 816 Ludwig Pk John Garner, 6211 Sharon Dr **Basis of Opposition** -property would devalued by further commercial encroachment into this residential area
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 14 June 1990

Projected Completion or Occupancy Date 24 September 1990

Fact Sheet Prepared by Date 24 September 1990

Patricia Biancaniello

Reviewed by Date 9-26-90

M. Martin 38.

Reference or Case Number

Bill No. Z-90-07-08 - Change of Zone #439
From R-1 to P.O.D.
SE corner of Ludwig Road and Stonefield Drive

John Wernet, attorney for the petitioners Summit Land Investment Inc appeared before the Commission. Mr. Wernet stated that they want the property rezoned for the purpose of constructing a professional office park at this site. He stated that the Smith Field runway approach path intersects the parcel, which makes it difficult, if not impossible to get approval from the Indiana Department of Transportation for residential use. He stated that the area immediately to the east of the railroad is a more intense business use - it is B-1-A - and to the north is Smith Field. He stated that they feel that this would be the highest and best use of the parcel.

Wil Smith questioned what type of businesses would be going in this office park.

Mr. Wernet stated that they have no specific uses but under the POD designation you are limited to doctors, lawyers, insurance offices, etc.

Luveda Smith, 927 Ludwig Park Drive, appeared before the Commission. She stated she was not directly in opposition to the request. She stated she would like more information about the proposed use, such as the number of structures proposed. She stated that she was under the impression when they started to build Stonefield that they were not to have access to Rodenbeck Drive. She stated that they have torn up the streets in their subdivision and have made no attempt to repair them.

Nancy Kloha, 816 Ludwig Park Drive appeared before the Commission. Mrs. Kloha stated that she felt the office development was totally incompatible with the surrounding area. She stated that this request for rezoning was denied last year because the planned development was incompatible with the surrounding area and there has been no change in circumstances sufficient to warrant consideration of this new request. She stated that not only would such a rezoning devalue the existing Ludwig Park homes it will impact the value of the homes now being built in Stonefield and will encroach dangerously upon the Smith Field runway approach. She stated that she felt the developers had demonstrated in their handling of Stonefield Section I, a disregard for any consideration of the rights of others. She stated as one example a current unresolved problem with construction equipment using illegal accesses from Rodenbeck drive to the construction site. She stated that when the subdivision plan was approved one of the trade offs was that the developer would not have to improve Rodenbeck if he did not access the street for home sites. She stated that in response to complaints that heavy equipment and delivery trucks were using Rodenbeck on a daily basis, the developers first told the Right Of Way Department that they were using farm lanes that had been

there, which is untrue. She stated they then stated that they had closed and had seeded the accesses, which is not true. She then stated that they said it was not their trucks using Rodenbeck. She stated that the road has been badly damaged from their abuse of the road with this equipment and trucks. She stated that she was surprised that the staff had recommended approval of this request. She stated perhaps the staff was unaware that the community intends for Smith Field to remain a general aviation airport for at least the next 10 years. She stated that she felt it was imprudent to continue trying to crowd out Smith Field instead of using creative planning to upgrade the facility. She stated that she felt approval of this request would be "spot zoning". She stated that she felt the approval of this request opens the door to further downgrading.

John Garner, 6211 Sharon Drive, President of the Ludwig Park Community Association appeared before the Commission. Mr. Garner stated that their biggest concerns is what will happen to their property values and will this open up the possibility for other vacant areas to rezone for office or commercial uses. He stated that they already have professional offices to the east of them and feel they do not need anymore professional development in the area.

David Long questioned if the roads that Mrs. Kloha referred to as being damaged were chip and seal.

Mr. Garner stated that he did not know what type of materials the road was, but from the truck traffic on Rodenbeck the road has been heavily damaged.

Gary Oetting, 7922 Felger Road, stated that he was speaking in opposition to any continued development around Smith Field. He stated that the area around Smith Field has been so developed that they have almost made Smith Field impotent as an airport. He stated that the Airport Authority and the community intend to keep this as a viable airport. He stated it cannot be kept as a viable airport if we continue to allow development and building around the area.

The following people also spoke in opposition to the proposed rezoning and reiterated the concerns of the prior speakers with regard to the devaluing of the existing residential property and the damage further development would have on the existing Smith Field and its viability as an airport.

Susan Stahlhut, 11926 W Washington Center Road
John Talarico, 1430 Pelham Drive
Jane Dorman, 1412 Margaret Drive
Steve Ervin, 1909 Dominon Drive
Ed Nix, General Manager of Bowman Aviation at Smith Field

In rebuttal, Mr. Wernet stated that he was unsure of how much of the opposition's comments merited rebuttal. He state however

that as far as the access to Rodenbeck, this morning was the first he learned of that. He stated that he will make every effort between now and the business meeting to remedy the situation. He stated that in response to the statement that this rezoning would be "spot zoning" he stated that he believed that the POD designation was set up primarily for a situation like this - a transitional area between a business and residential area. He stated that in the primary development plan it can be seen that they have taken all steps to make the actual runway area void of any buildings - it would be a parking area.

Bob Hutner questioned if any attempt had been made to speak with the neighborhood association.

John Wernet stated that he was not sure that any attempt had been made with respect to this particular development.

Mel Smith questioned if the FAA was aware of this potential development.

John Wernet stated that they are and that they have a blanket approval for the residential development. He stated that they will also have to approve this request. He stated that it will go to the Indiana Department of Transportation. He stated that Smith Field is not at this point subject to FAA guidelines

Steve Smith questioned if they had a secondary plan approval under the existing RA zoning for this property.

Mr. Wernet stated that the area is all R-1 now. He stated that there is a primary development plan for all of Stonefield Section I, II and III. He stated that Section III is the office park. He stated that Section I is residential which goes the rest of the way down to Washington Center Road. He stated he believed the primary plan showed about 160 lots the secondary approval is for the first 32 lots and that is the northern part off of Cook Road.

Steve Smith questioned what this ground is shown as in the primary or secondary plan.

John Wernet stated that it is shown as future development, Section III of Stonefield, he believed it is shown as a POD district.

Mark Gensic questioned if the access shown on the primary plans was off of Ludwig Road.

Mr. Wernet stated that all of the access to Stonefield is from Stonefield Drive off of Ludwig Road and it goes south through the development and there is no access along Rodenbeck.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

#489

ORIGINAL ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE The Southeast corner of Ludwig Road and Stonefield Drive.

2-90-07-08

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential. Property will become P.O.D. - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-90-07-08

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. L-38

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC
	J G Bradbury		
	Samuel J Talarico		
	Clifton Edmonds		

DATED: 10-23-90

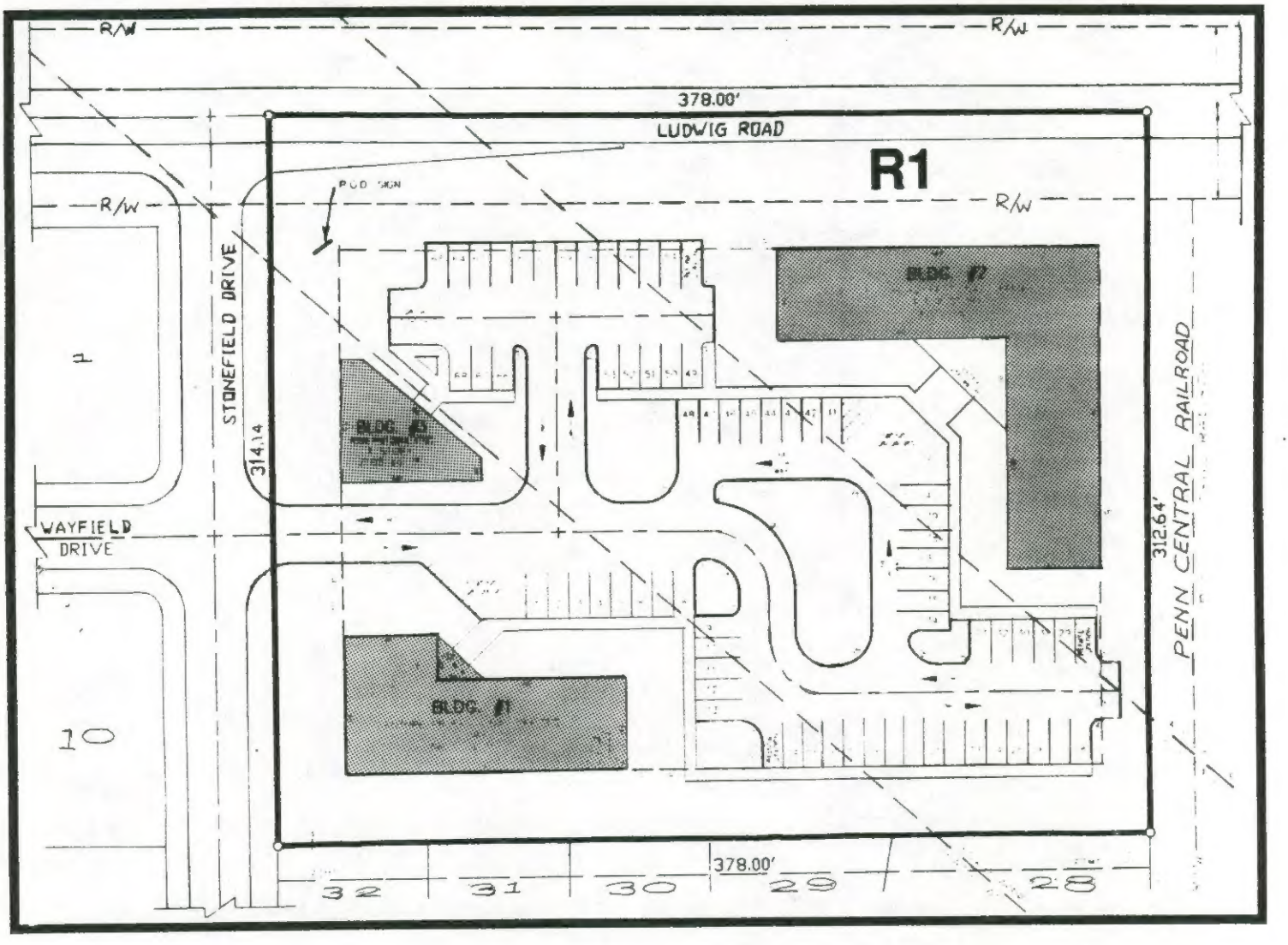
Sandra E. Kennedy
City Clerk

REZONING PETITION #439

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R1** DISTRICT TO A **POD** DISTRICT.

MAP NO. **L-38**

COUNCILMANIC DISTRICT NO. **3**



ZONING:

R1 RESIDENTIAL DISTRICT

LAND USE:

☐ *COMMERCIAL*

LW

SCALE: NTS

DATE: 6-21-90

N